

AMENDMENTS TO THE DRAWINGS:

The attached sheet of drawings include changes to FIG. 2. This sheet, which includes FIGS. 1 and 3, replaces the original sheet including FIGS. 1 through 3. In FIG. 2, previously omitted reference numerals 4.1, 4.2, and 4.3 have been added.

REMARKS

Claims 10 through 29 were presented for examination in the present application. The instant amendment cancels claim 20 without prejudice. Thus, claims 10 through 19 and 21 through 29 are presented for consideration upon entry of the instant amendment.

The drawings were objected to under 37 C.F.R. 1.83(a). The Office Action asserts that a "cavity", a "closure body having an axial projection", a "bushing", and "three step-shaped expansions must be shown. "Cavity" is shown in both FIGS. 2 and 3 and is accorded reference numeral 10. A "closure body having an axial projection" is clearly shown in FIG 3, in which "closure body" is accorded reference numeral 1, and an "axial projection" is accorded reference numeral 1.4. The drawings have been revised to show the "three step-shaped expansion" represented by reference numerals 4.1 (the first step), reference numeral 4.2 (the second step), and reference numeral 4.3 (the third step). Reconsideration and withdrawal of the objections to the drawings are respectfully requested.

Claims 10, 25, and 27 were objected to because of informalities. Claims 10, 25, and 27 have been amended accordingly. Reconsideration and withdrawal of the objections to claims 10, 25, and 27 are respectfully requested.

Claims 16, 17, 20, and 28 were rejected under 35 U.S.C. 112, second paragraph. Claims 16, 17, and 28 have been amended accordingly. Claim 20 has been cancelled. Reconsideration and withdrawal of the rejections to claims 16, 17, 20, and 28 are respectfully requested.

Claims 10 through 15, 18, and 27 through 29 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 3,436,916 ("Becker") in view of U.S. Patent No. 5,251,441 ("Eon").

Claim 10 now recites "A closure for a hydrodynamic turbomachine having a cavity, the closure comprising... a fusible safeguard element inserted into the closure body for closing a through-opening in the closure body... wherein the fusible safeguard element has a circumferential edge that is completely enclosed by the closure body (emphasis added)".

Becker discloses a hydraulic coupling in which the torque transmission capacity is reduced automatically to a predetermined value by removing a quantity of working liquid from the working chamber and delivering it to a first reservoir. A second reservoir is carried by the pump element and is connected to the working chamber interior by a temperature sensitive element, i.e. a fusible plug.

Eon discloses a fixed fluid capacity fluid coupling having a main bypass chamber and an auxiliary bypass chamber. The output wheel includes at least one hole and an offtake channel connecting the working circuit to the auxiliary bypass chamber uses the hole.

The Office Action asserts that "It would have been obvious to one having ordinary skill in the art... to modify the closure of Becker to have the fusible solder project axially beyond the step-shaped expansion as taught by Eon et al for the purpose of improving sealing". See, page 5, lines 18-21.

Applicants respectfully submit that even if one of ordinary skill were motivated to combine the references as cited by the Office Action, which they would not (reasons to be discussed below), the combination would still fail to teach the closure now recited by claim 10.

As can be clearly seen at least in FIGS. 1 and 3 of Eon, the closure consists of a portion that protrudes significantly above the exterior surface of annular casing 10. This extrusion beyond the exterior surface results specifically from the shape of the closure and the relation of this shape to the opening through which it is inserted. If one were to simply take the closure of Eon and attempt to modify the device of Becker to incorporate the closure, there would still be a portion of the exterior circumferential surface of the closure that would not be enclosed by the body of the closure device. It simply would not be possible. This is in clear contrast to claim 10 which now requires that the fusible safeguard element has a circumferential edge that is completely enclosed by the closure body.

For this reason alone, the cited art, either alone or in combination, fails to disclose or suggest claim 10.

Moreover, Applicants respectfully submit that the Office Action has utilized an improper standard in arriving at the rejections of the above claims based on improper hindsight reconstruction based on the teachings of the claimed present invention. That is, the Office Action has relied on teachings of the present disclosure and then cherry-picked of the cited references to allegedly arrive at Applicants' claimed invention. Without such a reliance, there is no basis for the asserted

combination of the references.

Applicants simply disagree with the Office Action's position that one of ordinary skill in the art would combine Becker and Eon as asserted. In order to modify Becker so as to include the closure of Eon would require significant structural changes to not only the stopper, but also to the structure of the closure body. If these significant structural changes are not made, then the device of Becker is simply inoperable. So the question becomes: Why would one do this? The answer is that one would not.

Therefore, Applicants respectfully submit that even if one were to combine the references as asserted, the combination still fails to disclose or suggest the closure now recited by claim 10. Claim 10 is in condition for allowance. Claims 11 through 15 and 18 depend from independent claim 10 and are in condition for allowance for at least the reasons set forth with regard to claim 10. Reconsideration and withdrawal of the rejections to claim 10 through 15 and 18 are respectfully requested.

Claim 27 recites "A method of sealing a cavity in a hydrodynamic turbomachine comprising: providing a cavity and a closure body, the closure body sealing the cavity; inserting a fusible safeguard element into the closure body and at least indirectly closing a through-opening formed in the closure body, wherein the fusible safeguard element has a circumferential edge that is completely enclosed by the closure body (emphasis added)".

As noted above with regards to claim 10, even if one having ordinary skill would combine Becker and Eon as asserted, the

combination still fails to teach a fusible safeguard element that is completely enclosed by the closure body as now required by claim 27.

Claim 27 is in condition for allowance. Claims 28 and 29 depend from independent claim 27 and are in condition for allowance for at least the reasons set forth above with regard to claim 27. Reconsideration and withdrawal of the rejections to claims 27 through 29 are respectfully requested.

Claims 19 and 21 through 26 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 2,216,351 ("Miller") in view of Eon.

Claim 19 now recites "A hydrodynamic turbomachine comprising: a cavity and a closure, wherein the closure comprises: a closure body for sealing the cavity that is to be closed; a fusible safeguard element inserted into the closure body, and keeps at least indirectly closed a through-opening formed in closure body... wherein the fusible safeguard element is a fusible solder that is soldered in the through-opening in the closure body, and wherein the fusible safeguard element has a circumferential edge that is completely enclosed by the closure body (emphasis added)".

Miller discloses a blowout plug having an outer jacket with an axial bore of approximately uniform diameter extending therethrough from end to end. Further, there is a fusible filler plug adapted to be inserted into one end of the bore. The filler plug tapers from the outer to inner end and is flared to form an annular fluid tight joint.

In rendering the rejections, the Office Action asserts that it would have been obvious to modify the closure body of Miller to have a step-shaped expansion of the cross section as taught by Eon.

As noted previously, Eon teaches a closure having a portion that protrudes significantly above the exterior surface of annular casing 10. This portion that extrudes beyond the exterior surface would mean that even if one were to combine the references as asserted, there would remain a portion of the closure having an exterior circumferential surface that is not enclosed by the closure body. This is in clear contract to claim 19 which now requires that there be the entire circumferential edge of the closure be enclosed by the closure body.

As such, the cited art, either alone or in combination, fails to disclose or suggest now recited claim 19.

Moreover, Applicants respectfully submit one of ordinary skill in the art would not have combined Miller and Eon in the first place. To do so, would require significant structural modifications to be made to the device of Miller in order to include the closure of Eon. There is simply no reason why one practicing the invention of Miller would do this. These are needless modifications, would require additional expenses to modify the structure, and do nothing whatsoever to improve upon the functioning of the device. Rather, Applicants once again respectfully assert that the combination of references is based merely on hindsight reconstruction based upon the present disclosure.

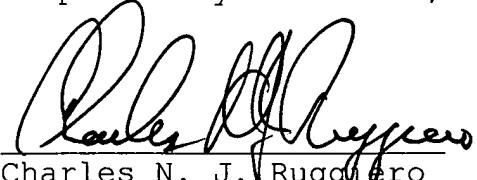
Nevertheless, even if one were to combine Miller and Eon, as asserted, the modified device still fails to disclose or suggest the closure now recited by claim 19. Claim 19 now requires that the fusible safeguard element has a circumferential edge that is completely enclosed by the closure body. As mentioned above, the modified device would still have there would **still** be a portion of the exterior circumferential surface of the closure that would not be enclosed by the body of the closure device.

As such, the asserted combination of cited art fails to disclose or suggest claim 19. Claim 19 is in condition for allowance. Claims 21 through 26 depend from independent claim 19 and are in condition for allowance for at least the reasons set forth with regard to claim 19. Reconsideration and withdrawal of the rejections to claims 19 and 21 through 26 are respectfully requested.

In view of the above, it is respectfully submitted that the present application is in condition for allowance. Such action is solicited.

If for any reason the Examiner feels that consultation with Applicants' attorney would be helpful in the advancement of the prosecution, the Examiner is invited to call the telephone number below.

Respectfully submitted,



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